

Ford, Frank (CAO)

From: Ford, Frank (CAO)
Sent: Wednesday, April 3, 2024 8:38 AM
To: Miriam Nemeth
Cc: Canoni, John; Fraser, Rachel (CAO); Burnett, Greg (CAO); Lane, Kami (CAO); Williams, Garanique; D Dangaran; Bamberger, David; Helms, Anne Geraghty; Buckley, Karley
Subject: RE: Mikayla Savage v. Harris County, Case No. 4:24-cv-00666 - Request for pre-motion conference

Good Morning Ms. Nemeth,

After reviewing the email chain and recalling our conversation, it is clear Plaintiff did NOT serve discovery on 3/26/24. The unsigned draft discovery was emailed for the purpose of conferring. Frankly, the failure to serve the discovery was one of things I find puzzling about Plaintiff's position.

To be clear, I agreed to respond to the Interrogatories 1 (a)-(b) and 2(a)-(z) within 30 days of service to attempt to identify the individual defendants.

I did not agree to any further discovery due to my concern that the anticipated qualified immunity claims by the individual defendants will affect the conduct and scope of discovery. And, I do not want to do anything that may adversely affect their interests when they have not made an appearance and cannot assert their interests.

Plaintiff served discovery on 4/2/24. I will respond to said discovery per the Federal Rules of Civil Procedure.

Thank you.

Respectfully,

Frank J. Ford
Attorney, Defensive Litigation Division
E: Frank.Ford@harriscountytexas.gov

Office P: 713-274-5166
Office C: 832-570-7582

Office of Christian D. Menefee
Harris County Attorney
1019 Congress
Houston, Texas 77002
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From: Miriam Nemeth <miriam@rightsbehindbars.org>

Sent: Tuesday, April 2, 2024 1:45 PM

To: Ford, Frank (CAO) <Frank.Ford@harriscountytexas.gov>

Cc: Canoni, John <John.Canoni@us.dlapiper.com>; Fraser, Rachel (CAO) <Rachel.Fraser@harriscountytexas.gov>; Burnett, Greg (CAO) <Gregory.Burnett@harriscountytexas.gov>; Lane, Kami (CAO) <Kami.Lane@harriscountytexas.gov>; Williams, Garanique <Garanique.Williams@us.dlapiper.com>; D Dangan <d@rightsbehindbars.org>; Bamberger, David <david.bamberger@us.dlapiper.com>; Helms, Anne Geraghty <anne.helms@us.dlapiper.com>; Buckley, Karley <Karley.Buckley@us.dlapiper.com>

Subject: Re: Mikayla Savage v. Harris County, Case No. 4:24-cv-00666 - Request for pre-motion conference

My apologies, I intended to address this email to Mr. Ford, not Mr. Frank.

Sincerely,

Miriam Nemeth

Miriam R. Nemeth

Deputy Litigation Director & Chief Counsel

Rights Behind Bars

www.rightsbehindbars.org

416 Florida Avenue NW, #26152 Washington, DC 20001

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miriam@rightsbehindbars.org

Pronouns: she/hers

Licensed in DC, New York, and Michigan

On Tue, Apr 2, 2024 at 2:36 PM Miriam Nemeth <miriam@rightsbehindbars.org> wrote:

Mr. Frank and Mr. Burnett,

Thank you for your responses. We are preparing to move forward with our motion for leave to serve early discovery. Are we correct in representing to the Court that you are willing to respond to our Interrogatories within 30 days of service (3/26/24) but that you are not willing to respond to our Requests for Production at this time?

We also recognize that the copies of our discovery requests that we sent you on March 26th were not signed. We have attached signed versions for your records and represent that none of the content has changed since you received the documents on March 26th.

Sincerely,

Miriam Nemeth

Miriam R. Nemeth

Deputy Litigation Director & Chief Counsel

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On Mon, Apr 1, 2024 at 10:32 AM Ford, Frank (CAO) <Frank.Ford@harriscountytexas.gov> wrote:

Ms. Nemeth,

Plaintiff identified 2 named defendants without providing a complete name and 30 Doe Defendants. The issues you describe are inherent to naming Doe defendants.

It will take considerable time to try to identify these individuals. I cannot agree to shortening the timeline. I have 30 days to respond to discovery under the rules. Thank you.

Respectfully,

Frank J. Ford
Attorney, Defensive Litigation Division

E: Frank.Ford@harriscountytexas.gov



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From: Miriam Nemeth <miriam@rightsbehindbars.org>

Sent: Friday, March 29, 2024 11:23 AM

To: Ford, Frank (CAO) <Frank.Ford@harriscountytexas.gov>

Cc: Canoni, John <John.Canoni@us.dlapiper.com>; Fraser, Rachel (CAO) <Rachel.Fraser@harriscountytexas.gov>; Burnett, Greg (CAO) <Gregory.Burnett@harriscountytexas.gov>; Lane, Kami (CAO) <Kami.Lane@harriscountytexas.gov>; Williams, Garanique <Garanique.Williams@us.dlapiper.com>; D Dangan <d@rightsbehindbars.org>; Bamberger, David <david.bamberger@us.dlapiper.com>; Helms, Anne Geraghty <anne.helms@us.dlapiper.com>; Buckley, Karley <Karley.Buckley@us.dlapiper.com>

Subject: Re: Mikayla Savage v. Harris County, Case No. 4:24-cv-00666 - Request for pre-motion conference

Mr. Ford,

Thank you for your response. As we discussed on our call earlier this week, Plaintiff is seeking the information in the discovery requests within two weeks, so that we may properly serve the unnamed defendants within the time permitted by FRCP 4(m) and the local rules. Would you be amenable to shortening your 30-day timeline so that we can better meet that goal and the Court's forthcoming conference date? And, Mr. Burnett, are you planning to waive service for these individual defendants? If you are not amenable to discussing this timeline further, we believe we may be at an impasse here and will move forward with filing our motion. Are we correct in understanding that you would not consent to the relief requested in our motion? We are happy to state your position in the motion that you will answer only the interrogatories and only on a 30-day deadline.

Thank you for your timely response.

Sincerely,

Miriam Nemeth

Miriam R. Nemeth

Deputy Litigation Director & Chief Counsel

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On Fri, Mar 29, 2024 at 10:47 AM Ford, Frank (CAO) <Frank.Ford@harriscountytexas.gov> wrote:

Counsel,

Per our conversation on 3/26/24, I will agree to respond to the attached Interrogatories within the time frame required by the Fed. R. Civ. P. (30 days from date of service). I will not agree to a shortened time period or respond to the Requests for Production. Thank you.

Respectfully,

Frank J. Ford
Attorney, Defensive Litigation Division

E: Frank.Ford@harriscountytexas.gov



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From: Canoni, John <John.Canoni@us.dlapiper.com>
Sent: Tuesday, March 26, 2024 3:32 PM
To: Ford, Frank (CAO) <Frank.Ford@harriscountytx.gov>; Fraser, Rachel (CAO) <Rachel.Fraser@harriscountytx.gov>
Cc: Williams, Garanique <Garanique.Williams@us.dlapiper.com>; D Dangaran <d@rightsbehindbars.org>;
Bamberger, David <david.bamberger@us.dlapiper.com>; Helms, Anne Geraghty <anne.helms@us.dlapiper.com>;
Buckley, Karley <Karley.Buckley@us.dlapiper.com>; Miriam Nemeth <miriam@rightsbehindbars.org>; Lane, Kami
(CAO) <Kami.Lane@harriscountytx.gov>
Subject: RE: Mikayla Savage v. Harris County, Case No. 4:24-cv-00666 - Request for pre-motion conference

Frank: That time works for several of us. I will send a Teams invite.

Per your request, attached are the draft discovery requests anticipated to be part of the early discovery motion.

Thanks.

John

John Canoni
Senior Attorney

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F +1 214 665 5946
M +1 914 552 5643
john.canoni@us.dlapiper.com

DLA Piper LLP (US)
[dlapiper.com](https://www.dlapiper.com)

From: Ford, Frank (CAO) <Frank.Ford@harriscountytx.gov>
Sent: Tuesday, March 26, 2024 6:34 AM
To: Canoni, John <John.Canoni@us.dlapiper.com>; Fraser, Rachel (CAO) <Rachel.Fraser@harriscountytx.gov>
Cc: Williams, Garanique <Garanique.Williams@us.dlapiper.com>; D Dangaran <d@rightsbehindbars.org>;
Bamberger, David <david.bamberger@us.dlapiper.com>; Helms, Anne Geraghty <anne.helms@us.dlapiper.com>;
Buckley, Karley <Karley.Buckley@us.dlapiper.com>; Miriam Nemeth <miriam@rightsbehindbars.org>; Lane, Kami
(CAO) <Kami.Lane@harriscountytx.gov>
Subject: RE: Mikayla Savage v. Harris County, Case No. 4:24-cv-00666 - Request for pre-motion conference



EXTERNAL MESSAGE

Good Morning Counsel,

I am available at 2 pm central on Wednesday 3/27/24 to discuss this matter. Let me know if that works.

In the meantime, can you provide what information you have on the individual defendants so we can try to identify them? Thanks.

Respectfully,

Frank J. Ford
Attorney, Defensive Litigation Division

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From: Canoni, John <John.Canoni@us.dlapiper.com>
Sent: Friday, March 22, 2024 2:00 PM
To: Ford, Frank (CAO) <Frank.Ford@harriscountytexas.gov>; Fraser, Rachel (CAO) <Rachel.Fraser@harriscountytexas.gov>
Cc: Williams, Garanique <Garanique.Williams@us.dlapiper.com>; D Dangaran <d@rightsbehindbars.org>;
Bamberger, David <david.bamberger@us.dlapiper.com>; Helms, Anne Geraghty <anne.helms@us.dlapiper.com>;
Buckley, Karley <Karley.Buckley@us.dlapiper.com>; Miriam Nemeth <miriam@rightsbehindbars.org>
Subject: Mikayla Savage v. Harris County, Case No. 4:24-cv-00666 - Request for pre-motion conference

Counsel: Per Judge Ellison's Court Procedures, we would like to schedule a pre-motion conference regarding Plaintiff's Motion for Early Discovery seeking identifying information on Unknown Defendants in this case (Detention Officers A. Martinez and A. Roda, and the Doe Defendants) so that they can be identified and served with process. Please let us know your availability for such a conference early next week. We hope to narrow the issues, or perhaps avoid motion practice altogether.

Thank you.

John

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Senior Attorney

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